



MITCHELL SILBERBERG & KNUPP LLP
A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

Eleanor M. Lackman
Partner
(212) 878-4890 Phone
(917) 546-7675 Fax
eml@msk.com

October 13, 2020

VIA ECF

The Honorable J. Paul Oetken, U.S.D.J.
Thurgood Marshall United States Courthouse
40 Foley Square, Room 2101
New York, NY 10007

**Re: Simon J. Burchett Photography, Inc. v. Seeking Alpha, Inc., No. 20-cv-7634
(JPO)(DCF); Pre-Motion Letter Requesting Two-Week Extension of Time to
Answer or Move in Light of Pending Settlement Agreement**

Dear Judge Oetken:

On behalf of defendant Seeking Alpha, Inc. ("Seeking Alpha"), we submit this pre-motion letter pursuant to the Court's Individual Rule 3.C. to request that the Court extend the time to answer or move in the above-referenced action by plaintiff Simon J. Burchett Photography, Inc. ("Plaintiff") by two weeks, to October 27, 2020, in light of a pending settlement agreement.

While we presently have no record of Seeking Alpha having been served and there is no proof of service on file with the Court, we were informed by Plaintiff's counsel of an intention to serve the Complaint on September 22, 2020, which would make today, October 13, the deadline to answer or move. Yesterday morning, the parties reached an agreement in principle to resolve the lawsuit. In reliance thereon, Seeking Alpha sent a proposed form of agreement to Plaintiff's counsel yesterday; in conjunction therewith, we asked for consent to a short adjournment to allow for the agreement to be completed. We have not yet heard back from Plaintiff's counsel. However, we respectfully submit that it is not prudent to spend resources on finishing and finalizing a motion to dismiss when the parties appear to have agreed to resolve the matter. We therefore request to extend the time to answer or move by two weeks, to October 27, 2020, which will not affect the October 28 conference set by Magistrate Judge Freeman. This is our first request to extend this deadline, and we ask that under these unusual circumstances, the Court forgive the fact that the request is being made less than 48 hours before the deadline.

We thank the Court for its consideration of this matter.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'EML', with a stylized flourish.

Eleanor M. Lackman

EML



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cc: All counsel of record (via ECF)